

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ELROY W. BROWNING,

Plaintiff,

v.

JEANNE WOODFORD, et al.,

Defendants.

CASE NO. 1:05-cv-00342-AWI-NEW (DLB) PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DENYING
PARTIES' MOTIONS FOR SUMMARY
JUDGMENT

(Docs. 76, 78, and 98)

Plaintiff Elroy W. Browning ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On April 20, 2007, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. The parties did not file objections.¹

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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¹ Although entitled [Objections](#), plaintiff's May 10, 2007, filing is a statement of non-opposition to the Findings and Recommendations. (Doc. 100.)

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed April 20, 2007, is adopted in full;
2. Defendants' motion for summary judgment, filed November 17, 2006, is DENIED;
3. Plaintiff's motion for summary judgment, filed November 21, 2006, is DENIED; and
4. This matter is referred back to the Magistrate Judge to be set for jury trial.

IT IS SO ORDERED.

Dated: June 2, 2007

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE